

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
ARTURO DANIEL MIRANDA, et al.,	:	
	:	
Plaintiffs,	:	<u>ORDER</u>
	:	
-v-	:	
	:	
GRACE FARMS, INC., et al.,	:	16-CV-1369 (VSB)
	:	
Defendants.	:	
-----X	:	
AYDE MENA AMARO, et al.,	:	
	:	
Plaintiffs,	:	
	:	
-v-	:	
	:	
UNAK GROCERY CORP. (d/b/a Liberty Cafe), et al.,	:	16-CV-7704 (VSB)
	:	
Defendants.	:	
-----X	:	

VERNON S. BRODERICK, United States District Judge:

On February 23, 2016, Plaintiffs Arturo Daniel Miranda, Alfonso Vera Rodas, Miguel Garcia, and Daniel Grande Netzahuatl filed a collective action against Defendants Grace Farms, Inc. d/b/a City Cafe, Unak Grocery Corp. d/b/a Liberty Cafe, Rajni Singhal, and Vivek Singhal, alleging violations of the Fair Labor Standards Act, 29 U.S.C. §§ 201, et seq. (“FLSA”) and the New York Labor Law (“NYLL”) (the “Miranda Action”). (*See generally* Doc. 1.)

On December 9, 2016, I consolidated the Miranda Action with a related action, *Amaro, et al. v. Unak Grocery Corp., et al.*, 16-cv-7704 (the “Amaro Action”), involving different plaintiffs but the same or similar Defendants. (*See* Doc. 35.) In that Order, I directed the parties

place any future filings on the docket of the first-filed case, No. 16-cv-1369. (*Id.* at 2.)

On May 31, 2022, I rejected the parties' settlement agreements and advised that the parties should file any revised settlement agreements within 45 days, or else I would assume that the parties intended to abandon settlement. (Doc. 108.) On June 2, 2022, I granted Defendants' counsel's motion to withdraw, and allowed Defendants 30 days to retain new counsel. (Doc. 110.)

As of this Order, the parties have not filed any revised settlement agreements, and no new counsel has entered a notice of appearance. On July 18, 2022, Plaintiffs filed a letter indicating that Defendants have been "minimally responsive" to Plaintiffs and noting that "there are no attorneys of record on the docket for this case appearing on behalf of Defendants." (Doc. 111.) Plaintiffs request "that the Defendants be directed to clarify whether they intend to continue to defend this case, and if so, for either an attorney to appear on their behalf, or to make a pro se appearance." (*Id.*) Accordingly, it is hereby


ORDERED that counsel for Defendants enter a notice of appearance on or before August 1, 2022, or, if Defendants do not retain new counsel, that Defendants Vivek Singhal and Rajni Singhal make pro se appearances on or before August 1, 2022. Defendants are advised that as corporations, Defendants Unak Grocery Corp d/b/a Liberty Cafe, Liberty Food & Grocery Corp Inc. d/b/a Liberty Cafe, and Grace Farms, Inc. d/b/a City Cafe (together, "Corporate Defendants"), may not proceed in federal court without licensed counsel, and if counsel does not appear on behalf of Corporate Defendants, Plaintiffs may move for default judgment. *See Rowland v. California Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 194, 201–02 (1993); *see also Carlone v. Lion & the Bull Films, Inc.*, 861 F. Supp. 2d 312, 318 (S.D.N.Y. 2012) ("A corporation may not appear *pro se*, but must retain counsel to avoid default.").

IT IS FURTHER ORDERED that the parties file any revised settlement agreements and new letters explaining why the revised settlement agreements are fair and reasonable on or before August 15, 2022. If the parties do not make these filings by August 15, 2022, or otherwise do not submit a filing regarding how they intend to proceed, I will construe that as an intention to abandon settlement, and I will set a date for a status conference.

IT IS FURTHER ORDERED that Plaintiffs serve this Order on Defendants' prior counsel Valerie K. Ferrier, and that Ms. Ferrier serve this Order on Defendants.

SO ORDERED.

Dated: July 19, 2022
New York, New York


Vernon S. Broderick
United States District Judge